

ARKANSAS SUPREME COURT

No. CR 05-326

NOT DESIGNATED FOR PUBLICATION

GEORGE ARTHUR BUNN
Appellant

v.

STATE OF ARKANSAS
Appellee

Opinion Delivered April 27, 2006

PRO SE MOTION FOR RECONSIDERATION
OF MOTION TO DUPLICATE BRIEF AT
PUBLIC EXPENSE [CIRCUIT COURT OF
WASHINGTON COUNTY, CR 2002-1064]

MOTION DENIED

PER CURIAM

In 2002, appellant George Arthur Bunn was found guilty by a jury of two counts of the offense of being a felon in possession of a firearm. He was sentenced as a habitual offender to 240 months' imprisonment. The Arkansas Court of Appeals affirmed. *Bunn v. State*, CACR 03-280 (Ark. App. March 3, 2004).

Appellant subsequently filed in the trial court a timely *pro se* petition for postconviction relief pursuant to Ark. R. Crim. P. 37.1. The petition was denied following a hearing, and appellant has lodged an appeal from that order in this court. Appellant filed a brief that did not conform to our rules and was directed to submit another brief. *Bunn v. State*, CR 05-326 (Ark. February 2, 2006) (*per curiam*). Appellant tendered two copies of his new brief rather than the seventeen copies required by Ark. Sup. Ct. R. 4-3(d) with a motion for duplication of the brief at public expense. The motion was denied. *Bunn v. State*, CR 05-326 (Ark. March 16, 2006) (*per curiam*). Now before us is appellant's motion for reconsideration of the motion for duplication of the brief.

A Rule 37.1 proceeding is a civil proceeding, separate and distinct from the underlying criminal conviction. *Arkansas Public Defender Commission v. Greene County Circuit Court*, 343 Ark. 49, 32 S.W.3d 470 (2000); *Dyer v. State*, 258 Ark. 494, 527 S.W.2d 622 (1975). There is no right under our rules or any constitutional provision to have a brief in a postconviction or other civil

case duplicated at public expense. *See Maxie v. Gaines*, 317 Ark. 229, 876 S.W.2d 572 (1994) (*per curiam*). Nevertheless, in those cases where the indigent appellant makes a substantial showing in a motion to have the appellant's brief duplicated that the appeal has merit and that he or she cannot provide the court with a sufficient number of copies of the brief, we will request the Attorney General to duplicate the brief. No such showing has been made.

Here, appellant contends that there are several issues that would merit reversal of the judgment of conviction in his case, including ineffective assistance of counsel. While he lists the issues, appellant provides no factual substantiation to establish that any of the issues has substantial merit or that the issues, other than the assertion of ineffective assistance of counsel, are cognizable in a postconviction proceeding. Accordingly, appellant is obligated to submit an additional fifteen copies of appellant's brief within fifteen days of the date of this opinion to make up the total of seventeen copies of the brief required by Ark. Sup. Ct. R. 4-3(d). As this court has entertained both the original motion for duplication of brief at public expense and the instant motion for reconsideration, no further motions for duplication will be accepted for filing.

Motion denied.